A

VINDICATION

OF THE

PROCEEDINGS

AGAINST

The Six Members of E—Hall, *Oxford.*

BY A GENTLEMAN OF THE UNIVERSITY.

Quid verum atque decens curo et rogo et omnis in hoc ſum.

Hor.

SECOND EDITION, with large Additions.

LONDON:

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TO

THE REVEREND

Dr. DURELL,

LATE

VICE-CHANCELLOR of the University of OXFORD;

AND TO

The worthy Aſſeſſors at *E-----Hall*:

THIS

VINDICATION of their PROCEEDINGS

IS INSCRIBED BY

Their obedient humble Servant,

A MEMBER of,

And ſincere Well-wiſher to,

London,
March 10, 1769.

The UNIVERSITY.

THE Reader is desired to take Notice, that the References to the Statutes are made to the *Corpus Statutorum Universitatis Oxon.* lately published; as also those,

The APPENDIX now first annexed to this Pamphlet, was written before the Author knew of Dr. NOWEL's Intention of publishing a Second Edition of his Answer to PIETAS. It is hoped, therefore, that the Public will not ascribe any Similarity of Reasoning to his having seen the Second Edition before the Appendix was printed, as the latter was ready for Publication, before even the Advertisements of the former appeared in the Newspapers.

ERRATA.

Page 5, Line 12, for *quiet*, read *quite*. Page 7, line 6, for *bad*, read *ban*. In the first Note to the same Page, dele the *Comma* after *Examination*, and insert it after *Oath*. Page 13, line 14, dele the *Parenthesis*. Page 24, line 18, for *juvenus*, read *Juvenes*. Page 38, for *Carnen*, read *Carmen*.

Advertiſement.

THE former edition of the following pamphlet, was ſold off ſoon after its firſt publication: but the ſummer receſs coming on, and a full anſwer to all that had been urged on behalf of the expelled members being expected from one of the aſſeſſors, prevented its being put again to preſs. ——This anſwer has ſince appeared, and it is with great pleaſure that I find it in all matters of conſequence confirm the account firſt given to the public in this vindication; but as Dr. N—, has declined anſwering what the author of Pietas Oxonienſis had urged againſt the following tract, and a new demand having ariſen, I have yielded to the requeſt of the publiſher for a new edition, to which a few notes are added, to correct thoſe errors which had crept into the former, from want of time and opportunity to attain

attain a full and entire acquaintance with the precise state of facts; as also sometimes to defend it from the attacks of an author, who under the mask of a "spirit of wisdom, truth, love, and candor," has given way to party zeal, rancor, and uncharitableness. His charge on the author of being a "poor catch-penny, in want of a dinner, &c." gives him no concern, being too plainly the result of the qualities just mentioned, to impose upon any but the lowest dregs of an enraged party.

A

VINDICATION, &c.

TO profeſs openly our religious principles, and to worſhip God in ſuch a manner as ſeems to us moſt acceptable to him, are juſtly eſteemed a noble branch of the liberties of this country. We

claim it as our birth-right; as one of thoſe glorious privileges bought by the ſwords, and ſealed with the blood of our noble anceſtors *. But at the ſame

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* The author of Pietas, in remarking on this paſſage, which he has been pleaſed to dignify, with the appellation of a "pompous nonſenſical flouriſh;" profeſſes himſelf "ſo utterly ignorant of the hiſtory of his own country, as not to know that this (any religious principles or privileges being bought by the ſword) was ever the caſe even from the dawn of the reformation, under Henry the Eighth, to its perfect eſtabliſhment in the reign of Queen Elizabeth." But why is the progreſs of religious liberty confined to ſo ſhort a period? The reaſon is obvious, the author really is "utterly ignorant of the hiſtory of his own country," or otherwiſe he muſt have known, that the liberty of openly profeſſing our religious principles, made not only a conſiderable part of the conteſt between Charles the Firſt and his parliament, but was alſo a leading principle of the glorious revolution. — One of the charges in the declaration of the lords ſpiritual and temporal, concerning the miſgovernment of James the Second, was, that he did endeavour

ſame time that we boldly aſſert this right, we muſt conſider it ſubject to

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deavour to ſubvert and extirpate the Proteſtant religion." Not long before he had ſuppreſſed the books of controverſy, written in anſwer to the papiſts by Tillotſon, Tenniſon, Stillingfleet, Sherlock, and others; and by various ways had endeavoured totally to ſuppreſs all open profeſſion of religious principles to the Proteſtants.——— It was at the head of an army that William the Third, the glorious deliverer of this country, aſſerted the principles of civil and religious liberty, being called to that office by the voice of a free people.——And although his right to the crown was derived from compact, not conqueſt, that does not affect the aſſertion, that the free profeſſion of our religious principles was bought by the ſword, as without the aſſiſtance of the ſword, the revolution, by which that privilege was confirmed to the people of this nation, could not have been brought about.———

As to the author's aſſertion, that the "many glorious goſpel truths, ſealed with the blood of our noble anceſtors, are the very ſame, which in the vindication are ranked in the liſt of Methodiſtical Hereſies;" it is entirely confuted by Dr. Nowel, in his anſwer, to which I refer the reader.

ſome neceſſary limitations. It would be foreign from the ſubject of this eſſay, to enquire into the neceſſity of religious eſtabliſhments: without them, probably, civil government could not be ſupported. The preſent ſubject will reſt upon the right of ſocieties to fix laws for the regulation of their own members, and to demand their obedience to thoſe laws. This right muſt be allowed by all, where ſuch private regulations are not contrary to, or inconſiſtent with the laws of the realm. Such are the ſtatutes of the univerſity of Oxford, confirmed by royal charter. Every member of that univerſity, at his matriculation, takes a ſolemn * oath, "to obſerve all

* The form of the oath, Tu fidem dabis ad obſervandum omnia ſtatuta, privilegia, & conſuetudines hujus univerſitatis Oxon. Ita Deus te adjuvet, tactis ſacro-ſanctis Chriſti Evangeliis.

ſtatutes,

ſtatutes, privileges, and cuſtoms of the univerſity:" in which ſtatutes the puniſhments for particular breaches of the rules of the univerſity are clearly ſpecified.

This is the only criterion by which we can rightly judge of the merits of the caſe before us: All reaſonings of the innocence of the things, in themſelves, which are alledged againſt the members lately expelled from E—hall, are quite foreign from the ſubject, and only ſerve to heat the minds of a party. By thoſe ſtatutes which they had *ſworn to obſerve*, they muſt ſtand or fall. If the charges alledged againſt them are true, and the puniſhment aſſigned to ſuch breaches of the ſtatutes be expulſion,—they were juſtly expelled. If they are not breaches of the univerſity ſtatutes, then their expulſion was unjuſt and oppreſſive.

Which

Which of theſe was the caſe, will be the buſineſs of this eſſay to examine.

It is neceſſary to premiſe, that the whole proceeding was in conſequence of a regular information, to the vice chancellor, as viſitor of the halls, the government, and adminiſtration of which, he is by * ſtatute obliged to take under his peculiar care.

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* Ut aulæ et hoſpitia ſcholarium et ſtudentium, de tempore in tempus, quoties opus fuerit, juxta privilegia ac libertates univerſitatis debito modo viſitentur. Ex ſtat. de off. vice can. tit. 17. ſec. 3. § 2.

Aularum regimen et adminiſtrationem earundem *ut peculiarem* ſibi *curam in ſe ſuſcipere* eumque in finem (quoties commodum ſibi videbitur) eaſdem VISITARE. Ex. ſtat. de off. canc. T. 17. ſec. 1, § 2. page 156.

It muſt be obſerved, that all the power of the chancellor is in his abſence deputed to his vice-chancellor, by ſtat. t. 17. ſec. 3. § 2. page 159.

That

That it was undertaken by the unanimous advice of the heads of houſes.—That the aſſeſſors were men whoſe characters both for learning and integrity were above cenſure: That the charges (as the author has been informed upon good authority) were verified by oath *, and by the confeſſion of the delinquents, and were as follow †:

Firſt, that the accuſed members had held or frequented illicit conventicles; ſome not in orders had preach-

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* The author ſince finds that he was miſinformed in this point of the examination, being upon oath only one of the witneſſes being ſo examined, (vid. Dr Nowel's Anſwer, p. 12.) as this was only mentioned as hearſay, he hopes the error may be conſidered as venial.

† Theſe charges are confirmed by the diſtinct accuſation againſt the expelled members, as copied at large in the anſwer to Pietas Oxonienſis.

ed,

ed, expounded, and prayed extempore: That the offices of religion were performed by people of the meaneſt ranks and abilities: that they met at a conventicle held in a private houſe within the univerſity, where a ſtaymaker and a woman officiated.

Secondly, that ſome of them had been bred up to, and had exerciſed, the loweſt trades, where wholly illiterate and incapable of performing the ſtatutable exerciſes of the univerſity, and much more incapable of being qualified for orders.

Thirdly, that they held the doctrines of methodiſm; (viz. that faith without works is ſufficient to ſalvation:—that there is no neceſſity for good works:—that the immediate influence of the ſpirit is to be waited for:

—that

—that once a child of God and always a child of God.—)

That they had miſtreated their tutor. Theſe charges we ſhall conſider regularly.

And firſt, that they had held or frequented illicit conventicles.

Mr. Whitefield, reſpecting this charge, vehemently inſiſts that theſe meetings could not be deemed illegal, he ſays, " Such and ſuch only are ſo as are ſeditious, and compoſed of ſeditious perſons, who aſſociate, indeed, under a pretence of religion, but in reality to plot againſt the ſtate." But I muſt beg leave to inform Mr. W— that the definition of illegal conventicles, in a book he ought to have been well acquainted with, during his reſidence at Pembroke college, is as follows: " Qualia (i. e. illicita) cenſenda ſunt

in quibus contra pacem publicam, *Doctrinam*, vel *Disciplinam Ecclesiæ*, vel *regimem* et *tranquilitatem* universitatis quicquam deliberatum vel gestum fuerit: vel in quibus homines (secus quam statutis regni, canonibus ecclesiæ, vel ordinationibus universitatis, permittitur); vel palam vel occulte conveniunt *." "Such are to be esteemed illicit conventicles, wherein any thing is deliberated or done against the public peace, *the Doctrine or Discipline of the church*, or the *government and tranquillity of the university*; or in which men meet together, either openly or privately, otherwise than is permitted, by the laws of the realm, the canons of the church, or the orders of the university." The same statute, from whence this quo-

* V. stat. tit. 15. § 12. p. 144.—Excerpt. p. 179. An. 1756.

tation

tation is taken, ſtrictly forbids frequenting ſuch conventicles, "Statutum eſt, quod nullus cujuſcunque gradus, ſive, ſtatus, conventicula illicita intra univerſitatis præcinctum inſtituat, aut iis quovis-modo interſit, aut in domo vel hoſpitio ſuo haberi permittat." "It is enacted, that no one, of whatever degree, or ſtation, ſhall inſtitute illicit conventicles, within the precinct of the univerſity, or ſhall, upon any pretence, be preſent at them, or permit them to be held, in his houſe, or lodging." It may be urged, that the houſe within the precinct of the univerſity, where the ſix expelled members of E—— hall met, for the purpoſes complained of was not an illicit conventicle. Let us therefore remember one part of the definition is, "in quibus contra *Doctrinam* vel *Diſciplinam Eccleſiæ*—quicquam deliberatum vel geſtum fuerit;" "where-

in any thing is deliberated or done againſt the Doctrine or Diſcipline of the church," i. e. (contrary to the articles ſubſcribed to by theſe men at their matriculation *, or the canons of the church.) The charge exhibits one flagrant breach of the 23d article of the church, in † preaching without being in orders.—The article runs thus, " It is not lawful for any man to take upon him the office of

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* Every ſtudent at matriculation ſubſcribes to the 39 articles of the church,—the three articles in the 36th canon, takes the oath of ſupremacy, and that for obſerving the ſtatutes before cited.

† The author appeals to every man of reaſon and candour, whether there is any thing in this paſſage, that can be ſaid to " interpret the article, as laying a prohibition on all members of the eſtabliſhed church from reading a ſermon in a private houſe, to a few ſerious people?" This was ſupplied by the " wiſdom, truth, love, and candour" of the author of Pietas Oxonienſis.

public

public preaching, or miniſtring the ſacraments in the congregation before he be lawfully called and ſent to execute the ſame. And thoſe we ought to judge lawfully called and ſent which be choſen and called by men who have public authority given unto them in the congregation, to call and ſend miniſters into the Lord's vineyard." We all know that Proteſtant diſſenters, of every denomination, whoſe miniſters have not epiſcopal ordination, are (by the ſtat. 1. William and Mary, c. 18.) upon taking the oaths of allegiance and ſupremacy, and ſubſcribing the declaration, 30. car. 2. ſt. 2. c. 1. againſt popery, and their place of meeting being certified to the biſhop of the dioceſe, or to the archdeacon of the archdeaconry, or to the juſtices of the peace of the general quarter ſeſſions, and regiſtered in the biſhop's

biſhop's or archdeacon's court, or recorded at ſuch ſeſſion) exempted from the penalties in the ſtat. 22. car. 2. cap. 1. and other previous ſtatutes made for preventing and ſuppreſſing conventicles; but it is preſumed that this aſſembly had no ſuch exemption, and if it had, all members of the univerſity convening there, would have been in direct breach of the ſtatutes.

And it may be farther urged, that their uſing extempore prayer in this aſſembly, in breach of one of the canons, ſubjects it to the ſame imputation of an illicit conventicle.—The 2d article in the 36th canon (to which theſe pious youths had alſo ſubſcribed) declares, "That the book of common prayer, and of ordering of biſhops, prieſts, and deacons, containeth in it nothing contrary to the word of God,

God, and that it may be lawfully ſo uſed, and that I *myſelf will uſe the form in the ſaid book preſcribed in public prayer and adminiſtration of the ſacraments, and* NONE OTHER." How men, who would ſeemingly affect to be thought conſcientious, can, afther ſuch ſubſcription, deviate ſo widely, ſeems amazing; but to ſee men, who have ſo deviated, held up to the public as martyrs * and ſufferers in

* The author of the Defence of Prieſtcraft, miſtaking the ſecondary ſenſe of this word for the primary, has attempted to be very witty on its inſertion here. — Dr. South (had he read him), would have informed him, "that a martyr only ſignifies a witneſs;" but entirely to ſatisfy him, I ſhall quote a paſſage from one of the firſt writers of the preſent age, in which the word is uſed, in a manner exactly parallel reſpecting Anſelm, archbiſhop of Canterbury, in the time of Henry the Firſt.—"After having made ſome ſtay in

in the cauſe of religion, and that too by a man of Mr. W——'s public character, by him, a member of the univerſity, who has himſelf made the above declaration, concerning the common prayer, in the face of a learned body more than * once; to ſee this muſt ſtrike all honeſt and temperate men, not only with aſtoniſhment, but horror. I ſhall not condeſcend to ſay much about what theſe

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in France, Anſelm went to Rome, where he was received with very great and extraordinary honors, as primate of England, and as the Pope's faithful Champion and MARTYR." — (Lord Littleton's Hiſtory of Henry the Second, vol. i. p. 84. 2d Edition).— The Reader will pardon the length of this note, as it is the only one I ſhall trouble him with, in anſwer to this contemptible Shaver.

* At the preſentation of graduates, theſe articles in the 36th canon are by them ſubſcribed (being previouſly read) before the proctors, agreeable to the ſtatute tit. 9. ſec. 5. § 3. page 90.

men

men * might learn from the pious and inſtructing expoſitions of a ſtay-maker, and an old woman; for we all well know, that it is not only at a ſadler's at Oxford, but among all denominations of enthuſiaſm, that old women expound, preach, and adminiſter the other offices of the church, ——but ſhall proceed to ſay, that the puniſhment for this breach, not only of the ſtatutes of the univerſity, but of common decency, and (if the place was not regiſtered) of the laws of the realm, was expulſion, vid. ſtat. aularia, ſec. 4. § 34. "Quod ſi quis, aliquod dogma contra Doctrinam, vel Diſciplinam, Eccleſiæ anglicanæ defenderit vel conventiculis illicitis intereſſe

* As the former expreſſion uſed here gave ſome offence to the author of Pietas Oxonienſis, it is now rejected.

præſumpſerit; ab aula expellatur."—Apen: ad ſtat. page 74.

"If any one ſhall defend any unſound opinion contrary to the Doctrine, or Diſcipline, of the church of England, or ſhall preſume to be preſent at illicit conventicles, let him be expelled from the hall."

Secondly, they were charged, that ſome of them had been bred to, and had exerciſed the loweſt trades, were all wholly illiterate, and incapable of performing the ſtatutable exerciſes of the univerſity; and much more incapable of being qualified for orders.—Although theſe charges of themſelves might not be thought ſufficient grounds for expulſion, yet, it muſt be allowed, there was a very high impropriety in their firſt admiſſion.—It can hardly be looked upon but as an impertinent intruſion,

intruſion, at leaſt for theſe men to puſh themſelves into a ſociety of perſons whoſe birth and education gave them the rank of gentlemen, but above all for two * of them (as I am informed they did) to preſume to wear the gentlemen commoners gown, and rank with gentlemen of the moſt reſpectable families in the kingdom.

Their entire ignorance, even of the language in which the ſtatutes of the body they had joined are written, and in which all public exerciſes are performed, made the very thought of placing them in the univerſity ridiculous and abſurd. We may hope this inſtance of an admiſſion of perſons wholly illiterate, will be a warning to the heads of houſes, to give or-

* It ſince appears that only one gentleman commoner was expelled, though two were accuſed.

ders, that none may hereafter be admitted into their reſpective ſocieties, who have not a competent knowledge of the languages, at leaſt to underſtand the ſtatutes, and perform the exerciſes. The ſphere of the univerſity (eſpecially in its preſent ſtate) is rather the ſciences than the firſt elements of learning.

Thirdly, with regard to their Doctrines, which are pure methodiſm, viz. that faith without works is ſufficient for ſalvation, and that there is no neceſſity for good works.—Theſe, I preſume *, make no part of the

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* The reader may ſee this point debated at length in Pietas Oxonienſis, and the anſwer to it. —The author of this pamphlet omits all controverſy about Doctrines;——Polemical Divinity is a weapon he has not learned to wield, his ſtudies have been directed another way.

Doctrines

Doctrines of the church of England, which expreſly tells us in its 12th article, " Albeit, that good works, which are the fruits of faith, and follow after juſtification, cannot put away our ſins, and endure the ſeverity of God's judgment; yet are they pleaſing and acceptable to God in Chriſt, and do ſpring out neceſſarily of a true and lively faith, inſomuch, that by them a lively faith may be as evidently known as a tree diſcerned by the fruit."—— And, yet the methodiſts have the effrontery to aſſure their followers, that they adhere ſtrictly to, and we deviate from the articles of the church. I ſhall only add upon this head, that the propagation of this tenet alone, would have been ſufficient cauſe for expulſion by the ſtatute, declaring the office of the vice chancellor, in which it is enacted,

" Ut

" Ut hereticos, ſciſmaticos, et *quoſcunque alios minus recte de fide catholica, et Doctrina vel Diſciplina Eccleſiæ Anglicanæ ſentientes*, procul a finibus univerſitatis amandandos curet." Tit. 17. ſec. 3. § 2. page 158. " That he ſhall take care to baniſh from the boundaries of the univerſity all heretics, ſciſmatics, and all others holding doctrines inconſiſtent with the catholic faith, and the Doctrine or Diſcipline of the church of England."

In regard to the ill-mannered and diſreſpectful behaviour of theſe men to their tutor. I ſhall only obſerve, that though ſuch things may appear to ſome too trivial to have place in a public accuſation ; yet

—— " Hæ nugæ ſeria ducunt
" In mala."

Theſe

Theſe trifles lead to ſerious evils. Diſreſpectful behaviour to ſuperiors in communities, formed for the education of youth, is an high offence, as leading to the deſtruction of all diſcipline and good order, which ought to be maintained, and delinquents puniſhed. —In the caſe of theſe men they were quietly diſmiſſed from a ſociety they were found not to poſſeſs any one qualification for, and of which they had in many inſtances proved themſelves unworthy.

I hope this plain account of the charges brought againſt the ſix members of E——— hall, and the ſtatutes upon which they were expelled, will have the effect intended: I mean, that of convincing men of candor, that the proceedings of the V———-C———, and the aſſeſſors, were worthy of gentlemen who have one of the

the moſt important charges in the world upon their hands, the care and education of youth. Unhappily this opportunity has been taken for a flame of party to blaze forth—A whole ſect have been in arms. A private puniſhment upon a few individuals, for a flagrant breach of ſtatutes, which they had *ſworn* to obſerve, has by a vindictive party, been blown up into a perſecution. They have combated with declamation, inſtead of argument; and, I believe, the beſt reaſon they can bring in defence of the accuſed members is like Juvenal's debauchee.

——" Fecimus et nos
Hæc juvenes——

"*We alſo did theſe things when young.*" Like Jack in the Tale of a Tub, they impute the laſhes their own folly hath brought

brought upon their backs to their ſteady aſſertion of their religion in this *wicked and adulterous generation.* But men of candor will judge otherwiſe. They will not think that the ſpirit of God taught them to act directly againſt laws they had *ſworn* to obſerve, and articles their own hands had ſubſcribed to.

APPENDIX.

SINCE the foregoing ſheets were ſent to preſs, ſeveral pamphlets have been publiſhed on the other ſide of the queſtion. The principal of theſe by the author of Pietas Oxonienſis is addreſſed under the title of "Goliath ſlain" to the Rev. Dr. *N*—, who publiſhed the anſwer to Pietas. It is written with the ſame "ſpirit of wiſdom, love, truth, and candor," which ſo eminently diſtinguiſhed the former production of the author, who profeſſes that in this reply, "The falſe gloſſes of Dr. *N*—'s pamphlet are removed, his great miſrepreſenta-

tions

tions detected, the ancient doctrines of the reformation, and the church of *England* defended, and the sentence againſt the expelled young men proved from his own words to be far more ſevere, arbitrary and illegal, than it has been hitherto repreſented."

As the intention of the vindication was merely to juſtify the expulſion by the local laws of the univerſity, that ſeeming to be the point on which the queſtion naturally turns, the doctrines they profeſſed were only mentioned obiter, and the articles and canons of the church quoted, to enable the reader to form his own judgment on the ſubject. Nothing farther on that part of the diſpute will be offered at preſent. Diſputes concerning opinions may be carried on to eternity, and

all the writings of divines, on each ſide of the queſtion, eternally quoted, without either of the diſputants convincing the other of error. If the doctor has miſrepreſented any facts, or given falſe gloſſes to any matter, he muſt take upon himſelf the vindication of them. Whatever is ſaid in the farther part of this eſſay, ſhall be built upon ſuch facts as are allowed by both the diſputants.

My time will not permit me to enter into a regular analyſis of Goliah ſlain, for which reaſon I muſt omit taking farther notice of his curious dedication to all the members of the univerſity, than to comply with his requeſt by "intreating the principal of St. *Mary Hall* to write again, and anſwer him once more." I hope that gentleman will take up the pen againſt this

this doughty combatant, in vindication of himſelf; for as to the expulſion, I believe there is not a man of candor in the kingdom who is not convinced of the legality, whatever may be his ſentiments of the expediency of the meaſure.

The advocates of the expelled members have all allowed, that they met together at a houſe within the precinct of the univerſity, where they expounded and prayed extempore: this place muſt come under the definition of an illicit conventicle given in the local ſtatute cited p. 9. as being "*contra doctrinam vel diſciplinam eccleſiæ*," againſt the doctrine or diſcipline of the church; and being in a private houſe, was directly in breach

breach of the ſtatute *de domibus oppidanorum non frequentandis*. The only uſe of introducing the ſtatute for preventing and ſuppreſſing conventicles, is to confirm this * definition, as the vice chancellor acted as viſitor, not as a juſtice of peace. Mr. *Jacob*'s definition "A private aſſembly or meeting for the exerciſe of religion, now applied to the illegal

* Tit. 15. § 4. p. 138. The words of the ſtatute 22 Car. 2. c. 1. "If any perſon being ſixteen years of age ſhall be preſent at any conventicle, or meeting, under pretence of any exerciſe of religion, in other manner than according to the liturgy and practice of the church of *England*, at which there ſhall be five perſons or more aſſembled," &c. aſcertain ſufficiently the acceptation of the word conventicle, and the place where theſe men aſſembled, ſuiting entirely the definition, muſt be acknowledged to be a conventicle by every man who reaſons diſpaſſionately.

meetings

meetings of the nonconformiſts, fixes the imputation fully upon them, as upon their uſing any form contrary to the eſtabliſhed church, they immediately became nonconformiſts, whatever might be their former profeſſion; and, conſequently, ſubject to the penalties of the ſtatute, if five of them (beſides the perſons belonging to the houſe) were aſſembled together, and the place was not exempted from thoſe penalties by the means mentioned, p. 13. agreeable to the toleration act. The meaning of the expreſſion "illicit conventicle" in the local ſtatute being thus ſettled, and the place of meeting falling under the definition, they muſt neceſſarily be ſubject to expulſion by the aular ſtatute, quoted p. 17. This ſhort and clear argument is ſufficient to prove

prove the legality of the expulſion, to every man, into whoſe eyes duſt has not been thrown (to uſe his own figure) by the author of Pietas.

But ſays this writer, theſe aſſertions were not proved upon oath, to which we may anſwer, That method of proof is not uſual in ſimilar caſes, yet there is no doubt, that if the expelled members had deſired it, their requeſt would have been complied with as well as Mr. *H*——'s, with regard to Mr. *G*——. So far from making any ſuch requeſt, for the moſt part we find from the accounts both of Dr. *N*—, and Pietas, they confeſſed the principal things laid to their charge, after which there could be no neceſſity for producing evidence or oath unaſked for, eſpecially as Mr. *H*——, had ſworn to the articles of accuſation, as

publiſh-

publiſhed by Dr. *N*——, p. 18, &c. After they have neglected to deſire ſuch proof, is it not unjuſt to make a clamor about it? Had they deſired it, and been refuſed, it would certainly have been an inſtance of great partiality and injuſtice, and a very ſufficient ground for an appeal, and probably for a reverſal of the ſentence; but when it was not deſired, does it not appear like the laſt effort of an expiring party? but the reed is too weak, it cannot ſave its unhappy dependant from drowning.

The ſuffering other members of *E— Hall* to leave it, and enter at other colleges (though a very reaſonable permiſſion) is brought ‖ as a very heavy charge againſt the V—

‖ Goliah ſlain, p. 78.

C——, yet the author acknowledges that the Principal was called upon to give his reaſons why they ſhould not have that permiſſion: The reaſon given was very unſatisfactory, as the want of learning in the expelled members was at moſt but a ſecondary cauſe of their expulſion. We may naturally ſuppoſe, that the other members of the hall, would deſire to leave a place, which had lately fallen under the odium of having ſix of its members expelled for a notorious breach of the ſtatutes, and defended in that breach by the Principal. To have denied them leave, ſo to do, would have been paying a compliment to Dr. *D*——, at the expence of gentlemen who had not merited ſuch a refuſal.

As

As to the author's frivolous charge of partiality in proceeding againſt the ſix expelled members, and not againſt other perſons for inſufficiency: It muſt be obvious to every one, that as only the expelled members were accuſed, no others could with propriety be proceeded againſt. Their ſufficiency or inſufficiency being *coram non judice*, and that none of theſe are charged even by himſelf with frequenting illicit conventicles, or with any other of the faults of which the expelled members were accuſed, or any other diſqualification for the univerſity * except a want of learning,

* I here except Mr. *W*——, who has been ſo unmercifully treated by the author of Pietas. That gentleman has by his public recantation, made all the ſatisfaction in his power to the univerſity, and will, I hope, by his future behaviour, prove himſelf deſerving of the lenity ſhewn towards him.

which their own diligence, with the aſſiſtance of a tutor, may ſupply. It will be no leſs obvious, that the making mention of this by the author of Pietas, and Goliah ſlain, was only an invidious attempt to defend his cauſe by abuſe, when he found arguments fail.

To the ſame "ſpirit of wiſdom, truth, love, and candor," which dictated the laſt charge, muſt be aſcribed his illiberal reflections on other private characters, entirely unconnected with his ſubject? What influence over the preſent caſe can the former inſanity of Mr. *H*—— have? To what purpoſe is Mr. *W*——'s unhappy error raked from oblivion, and exaggerated? †. Why was the affair of a worthy clergy-

† The depoſition ſays, Some ſuch expreſſion as the following, "What fool, do you believe in

clergyman called by this author, Doctor Pig and Caſtle, mentioned, and his wife degraded to a landlady at an alehouſe, when ſhe was a lady of conſiderable fortune? Why was the crime of Mr. ——, who adminiſtered the ſacrament to an aſs, and had been expelled for it, brought upon the carpet, with a note to make the reader believe, that he was not expelled?

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in the miracles of *Moſes*," or words to that effect. We may appeal to any man, whether theſe words are equivalent to thoſe aſcribed by the author of Pietas, (p. 22.) to Mr. *W*——, "that whoſoever believed the miracles of OUR SAVIOUR, or of Moſes, muſt be a knave or a fool?" This is the author who charged Dr. *N*—— with miſrepreſentations, and exaggerating the charges againſt the young men? We may ſay to him in the words of the apoſtle, "Thou art inexcuſable, O man, whoſoever thou art, that judgeſt, for wherein thou judgeſt another thou condemneſt thyſelf, for thou that judgeſt doeſt the ſame thing."

Can

Can theſe things be aſcribed to a "ſpirit of wiſdom, truth, love, and candor?" Is this the way to defend "the cauſe of a violated truth, trampled laws, and injured innocence." But even theſe were not ſacrifices ſufficient to appeaſe the anger of our worthy maſter of arts. The names of Dr. *Samuel Clarke*, and Bp. *Hoadly*, names ſacred to every lover of religion, and of all the virtues which dignify humanity, are vilified with the epithet of profane blaſphemers—

"Horruit auditu Pietas, veſtigia torſit
"Religio, ingenuus deflexit lumina Candor,
"Et Pudor averſos texit velamine vultus."‖

"Religion heard and trembled, Sanctity,
"Affrighted, turned aſide her hallowed ſteps,
"With down caſt eyes ſubmiſſive candor bluſh'd,
"And ſhame ingenuous hid her baſhful head."

‖ Pictura Carmen a De Marſy.

Such

Such are the arms, and ſuch the arts with which this *David* would ſlay *Goliah:* but how weak, how mean, the public will judge to whoſe impartial and candid ſentence, I ſhall now leave him and his friends, having neither time nor inclination to purſue this ſubject any farther, wiſhing them, inſtead of the pretended "ſpirit of wiſdom, truth, love, and candor," a larger ſupply of that wiſdom "which is from above, and is firſt pure, then peaceable, without partiality, and without hypocriſy."

FINIS.

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